

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

United States of America)	Cr. No. 7:05-253-HMH
)	
vs.)	
)	OPINION & ORDER
John Gregory McKoy, Jr.,)	
)	
Movant.)	

This matter is before the court on John Gregory McKoy, Jr.’s (“McKoy”) pro se request for sentencing transcripts. This court construes pro se motions liberally, and such pro se motions are held to a less stringent standard than those drafted by attorneys. See Gordon v. Leeke, 574 F.2d 1147, 1151 (4th Cir. 1978). The court construes McKoy’s motion as one for a sentencing transcript at the Government’s expense. However, even if the court applies this less stringent standard, McKoy’s request cannot be granted. A prisoner who requests free copies of records in his or her criminal case, whether it is a state case or a federal case, must show a particularized need for such records. Jones v. Superintendent, Va. State Farm, 460 F.2d 150, 152-153 (4th Cir. 1972), reh’g granted, 465 F.2d 1091, 1094 (4th Cir. 1972) (adhering to prior opinion and denying rehearing en banc); Morin v. United States, 522 F.2d 8, 9 (4th Cir. 1975) (applying Jones to federal prisoner). McKoy has not shown a particularized need for the transcript. Accordingly, McKoy’s motion for a copy of the transcript at the Government’s expense is denied. McKoy may obtain a copy of the sentencing transcript from the court reporter at his own expense, if he so desires.

It is therefore

ORDERED that McKoy's motion for sentencing transcripts, docket number 198, is denied.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
October 15, 2007

NOTICE OF RIGHT TO APPEAL

Movant is hereby notified that he has the right to appeal this order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.